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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

NEFTALI MONTERROSA, individually and as co-successor-in-interest to Decedent SEAN MONTERROSA; NORA MONTERROSA, individually and as co-successor-in-interest to Decedent SEAN MONTERROSA; MICHELLE MONTERROSA, individually; ASHLEY MONTERROSA, individually,

**Case No. 2:20-cv-01563-TLN-DB**

**STIPULATION TO AMEND  
COMPLAINT AND ORDER**

## Plaintiffs.

vs.

CITY OF VALLEJO, a municipal corporation;  
JARRETT TONN, individually, and Vallejo  
police officers DOES 1-25, inclusive.

## Defendants.

## STIPULATION

WHEREAS Plaintiffs filed an initial Complaint in this action on August 6, 2020, and Defendants filed a Motion to Dismiss on October 6, 2020, to which Plaintiffs have filed an opposition and Defendants have filed a Reply, among other motion practice between Plaintiffs and Defendants.

STIPULATION AND ORDER TO FILE FIRST AMENDED COMPLAINT  
Monterrosa v. City of Vallejo, et al.  
Case No. 2:20-cv-01563-TLN-DB

1 WHEREAS Plaintiffs served an administrative claim concerning state law causes of  
2 action against Defendants on August 21, 2020, and more than 45 days have passed since its  
3 service.

4 The parties thereon stipulate that Plaintiff shall file a First-Amended Complaint setting  
5 forth the state law wrongful death cause of action, only making the necessary modifications to  
6 the First-Amended Complaint to address the addition of the state law wrongful death cause of  
7 action, within 14 days of the Court issuing an Order on this stipulation permitting Plaintiffs to  
8 file a First-Amended Complaint.

9 The parties further stipulate that the current motion to dismiss and all motions currently  
10 pending before the Court shall remain in effect: The proposed First-Amended Complaint  
11 (attached as Exhibit A) does not implicate any contention raised in the parties' ongoing motion  
12 practice, and is filed to preserve Plaintiffs' state law wrongful death claim. The parties shall  
13 respond appropriately once the Court issues an Order on the pending Motion to Dismiss.

14 The parties further stipulate that the Court's pending Order on Defendants' Motion to  
15 Dismiss shall be effective as to the First-Amended Complaint attached as Exhibit A to be filed  
16 following the issuance of the instant-order, to avoid duplicative filings, unnecessary delay, and to  
17 avoid wasting the Court's time.

18 IT IS SO STIPULATED.

19  
20 Respectfully submitted,

21 Dated: December 14, 2020

22 **THE LAW OFFICES OF JOHN L. BURRIS**

23  
24  
25 /s/ Benjamin Nisenbaum

Ben Nisenbaum  
Attorneys for Plaintiffs

1 DATED: December 18, 2020

2 /s/ KATELYN M. KNIGHT  
3 MEERA BHATT  
4 KATELYN M. KNIGHT  
5 FARRAH HUSSEIN  
6 Attorneys for Defendants  
7 CITY OF VALLEJO  
8 and JARRETT TONN

9  
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14  
**ORDER**

15 The parties' instant-stipulation is hereby granted. Plaintiffs shall file a First-Amended  
16 Complaint within 14 days of the issuance of this Order.

17 The pending motions the Court has previously taken under submission shall be effective  
18 as to the First-Amended Complaint as set forth in Exhibit A to the instant-stipulation. The  
19 parties shall respond as directed by the Court's Order on Defendants' pending Motion to  
20 Dismiss.

21 IT IS SO ORDERED.

22 Date: \_\_\_\_\_

23 Hon. Troy L. Nunley